

# United States Department of Agriculture

BUREAU OF ANIMAL INDUSTRY

U.S. DEPOSITORY

## REGULATIONS GOVERNING THE APPRAISEMENT OF AND COMPENSATION FOR TUBERCULOUS CATTLE CONDEMNED AND DESTROYED UNDER THE PROVI- SIONS OF PUBLIC NO. 142, SEVENTY-THIRD CONGRESS

Effective on and after June 12, 1934

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D.C., June 12, 1934.

Under the authority conferred by law upon the Secretary of Agriculture by section 6 of the act of April 7, 1934 (Public No. 142, 73d Cong.), the following regulations are hereby prescribed, to govern the condemnation and slaughter of animals affected with tuberculosis, and for the purpose of identification, this order is designated B.A.I. Order 344. This order in no way affects B.A.I. Order 329, effective July 1, 1931, or any amendment thereto.

The regulations of this order shall become and be effective on and after June 12, 1934.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

### Regulation 1.—DEFINITIONS

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

SECTION 1. *The Department:* The United States Department of Agriculture.

SEC. 2. *The Secretary:* The Secretary of Agriculture of the United States.

SEC. 3. *The Bureau:* The Bureau of Animal Industry of the United States Department of Agriculture.

SEC. 4. *Disease:* Tuberculosis of animals.

SEC. 5. *Bureau employees:* Inspectors and all other individuals employed in the Bureau who are authorized by the Chief of Bureau to do any work or perform any duty in connection with the arrest and eradication of diseases of animals.

SEC. 6. *Accredited veterinarians:* Veterinarians accredited by State and Bureau.

SEC. 7. *Destroyed:* Condemned and destroyed by slaughter or by death otherwise.

### Regulation 2.—COOPERATION WITH STATES, TERRITORIES, COUNTIES, AND MUNICIPALITIES

The Chief of the Bureau of Animal Industry of the United States Department of Agriculture is authorized to cooperate with the States, Territories, counties, or municipalities in the eradication of tuberculosis.

### Regulation 3.—PAYMENT FOR TUBERCULOUS ANIMALS

SECTION 1. When it appears necessary to slaughter animals affected with tuberculosis, and to compensate the owners for loss thereof, the Chief of the Bureau of Animal Industry is authorized, within his discretion, to agree, on the part of the Department, to pay the owners of such tuberculous animals

not more than \$20 for a grade animal or \$50 for a purebred animal. The owner shall not receive from all sources (1) a sum greater than the appraised value of the animal, or (2) a sum greater than would be received in case payment was made under the provisions of B.A.I. Order 329 or any amendment thereto. The owner will receive the salvage for all animals slaughtered under these regulations.

#### **Regulation 4.—APPRAISAL OF CATTLE**

SECTION 1. Cattle affected with tuberculosis shall be appraised by a representative of the Bureau or a cooperating representative of the State, Territory, county, or municipality; if the owner refuses to accept such appraised value, the animals shall be appraised by three disinterested parties, one of whom shall be selected by the Bureau's representative, one by the cattle owner, and the third by the two selected parties. Should an owner refuse to accept this appraisal, no indemnity will be paid.

SEC. 2. The appraisals of all cattle shall be reported on forms provided for this purpose by the Bureau, which the owner or his agent will be required to sign before any payment is made for the slaughter of such cattle.

SEC. 3. The tuberculous cattle shall be destroyed within a period of 30 days of the date of appraisal, except that in extraordinary and meritorious cases and at the discretion of the Chief of Bureau, such time limit of 30 days may be waived; however, no such waiver shall be given in order to allow a cow to produce a calf.

#### **Regulation 5.—EXPENSE OF DISINFECTION OF PREMISES AND CONVEYANCES, AND MARKETING OF TUBERCULOUS ANIMALS**

SECTION 1. Stockyards, pens, cars, vessels, and other premises and conveyances shall be disinfected whenever necessary for the eradication of tuberculosis, by the owners thereof at their expense, under the supervision of Bureau or State employees.

#### **Regulation 6.—CLAIMS NOT ALLOWED**

SECTION 1. No payment shall be made for any cattle destroyed on account of tuberculosis unless the owner has complied with all lawful quarantine regulations, and unless the owner shall have executed the necessary forms.

SEC. 2. The Department will not allow claims arising out of the condemnation of cattle for tuberculosis on a tuberculin test applied by other than a Bureau veterinary inspector, a cooperating regularly employed State, Territory, county, or municipal veterinary inspector, or an accredited veterinarian.

SEC. 3. No compensation will be paid to owners of tuberculous cattle except for cattle in States, Territories, counties, or municipalities in which cooperative tuberculosis eradication work is being conducted.

SEC. 4. The Department will not allow claims arising out of the condemnation of cattle for tuberculosis on a tuberculin test by an accredited veterinarian, except under specific instructions issued to him and signed by the proper State and Federal authorities.

SEC. 5. No compensation will be paid to any owner of tuberculous cattle whose entire herd is not under Federal and State supervision for the eradication of tuberculosis.

SEC. 6. No compensation will be paid to any owner for cattle destroyed on account of tuberculosis until all infected premises have been properly cleaned and disinfected with a disinfectant permitted by the United States Bureau of Animal Industry in accordance with recommendations of the proper State or Bureau officials.

SEC. 7. No compensation will be paid for tuberculous steers, nor will compensation be paid for bulls which are not purebred.

SEC. 8. No compensation will be paid on any cattle introduced into a herd under supervision, unless obtained from a herd under State and Federal supervision for the eradication of tuberculosis.

SEC. 9. No payment shall be made for any cattle destroyed on account of tuberculosis unless the animal shall be marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and by attaching to the left ear a metal tag bearing a serial number and the inscription "U.S.B.A.I. Reactor", or a similar State reactor tag.

SEC. 10. No compensation will be paid to any owner for cattle classified as tuberculous unless such cattle react to the tuberculin test or reveal lesions of the disease upon autopsy.

SEC. 11. No payment shall be made for any cattle contained in a herd if, in the opinion of the Chief of Bureau, there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for condemned cattle.

SEC. 12. No payment shall be made for any cattle slaughtered because of being affected with tuberculosis under these regulations if any payment has been or will be received under the provisions of B.A.I. Order 329, or any other B.A.I. order, or any amendment thereto.

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